

## REMARKS

### OVERVIEW\*

Claims 1-7, 10-17, and 30-35 are pending in this application. Claims 1, 10 and 32 have been amended. The present response is in earnest effort to place the application in proper form for immediate allowance. Reconsideration and passage to issuance is respectfully requested.

### ISSUES REGARDING CLAIMS

The Applicant brings to the Examiner's attention that claim 1 of the Amendment of November 27, 2002 does not match claim 1 of the Amendment of May 30, 2002. This was an administrative oversight and is contrary to the representations made on page 3 of the November 27<sup>th</sup> Amendment. Therefore, current claim 1 reflects the claim 1 of May 30, 2002 and amendments thereto. The Applicant respectfully apologizes for any inconvenience. This oversight was brought to the Applicant's attention by the Examiner's comments regarding claim 1 found on page 4 of the Office Action. The arguments made with respect to claim 1 were based on claim 1 of the amendment of May 30, 2002.

### ISSUES UNDER 35 U.S.C. § 103(a)

Claims 1-7, 10-17 and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfohl et al. in view of Thorton. The Examiner notes, at page 4, that "with respect to claim 10, Applicant has argued that the device of the combination does not have the display on the patient. Claim 10 recites a transducing physiological pressure with a device placed on the patient and a display connected to the device. The Examiner notes that in Pfohl the housing 12 and transducer 18 together make up the device, which has a part placed on the patient. Hence, it meets the claim language. Applicant should amend the claim to make clear

that both the transducer and the display are placed on the patient and it would overcome the current objection."

Claims 1, 10, and 32 have amended to make clear that both the transducer and the display are placed on the patient.

In particular, claim 1 has been amended to include the limitation that the pressure transducer is "adapted for placement on a patient" and "the display adapted for placement on the patient." Therefore, it is respectfully submitted that claim 1 differs from Pfohl as the display in the Applicant's claimed invention is a part of the device placed on the patient.

Similarly, claim 10 has been amended to include that the device has "a display." The device is "placed on a patient" and a representation of the physiological pressure is displayed on "the display of the device." Therefore, it is respectfully submitted that claim 10 has been amended in the manner suggested by the Examiner to require the display to be on the patient. Therefore, claim 10 is distinguishable from Pfohl, and the Applicant respectfully submits that claim 10 should also be allowed.

As claims 2-7 depend from claim 1, and claims 11-17 depend from claim 10, the Applicant respectfully submits that these claims are allowable as well. Further, as claim 35 depends from claim 1, the Applicant respectfully submits that this claim is allowable as well.

Claims 30 and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfohl in view of Thorton as applied to claims 1-17 and 35 and further in view of Goldenberg WO 98/34530. The Examiner notes that the above combination does not have a memory in the housing (Office Action, page 3) but that Goldenberg teaches the use of a computer or other embedded memory to store signals when a connection is lost to a main station or for other use. Claims 30 and 31 depend from claim 1. As claim 1 has been amended, the rejection based upon

Pfohl in view of Thorton has been overcome. Therefore, it is respectfully submitted that this rejection to claims 30 and 31 should also be withdrawn.

Claims 32-34 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Pfohl in view of Goldenberg WO 98/34530. It is apparent that the Examiner has construed the limitation of the "housing" of claim 32 very broadly if the Examiner considers there to be such a housing in Pfohl. Therefore, the Applicant has amended claim 32 to provide that the housing is "adapted to be placed on a patient." Any such housing of Pfohl is not adapted to be placed on a patient. For example, the monitoring unit 10 of Pfohl is not designed to be placed on a patient. Rather the monitoring unit is tethered to sensors on a patient. Therefore, it is respectfully submitted that Pfohl is deficient with respect to claim 32 and this rejection should be withdrawn. As claims 33-34 depend from claim 32, it is respectfully submitted that these rejections should also be withdrawn.

#### EXAMINER'S RESPONSES TO ARGUMENTS

The Examiner has noted that the Applicant had previously argued that claim 1 requires "a display secured to the housing and operatively connected to the transducer . . ." It is submitted that the language was present as of the Amendment of May 30, 2002, but that the claim language was not included in the claims of the November 27, 2002 Amendment.

#### CONCLUSION

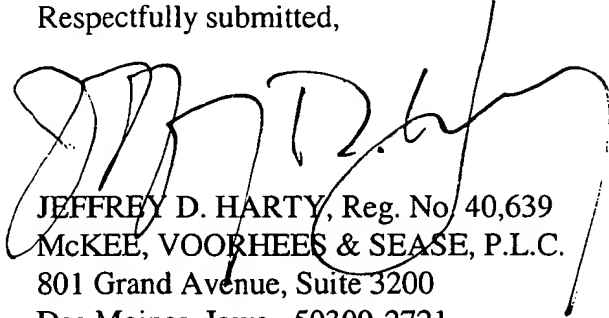
Therefore, the Applicant respectfully submits that all pending claims are in proper form for allowance.

Please charge Deposit Account No. 26-0084 \$55.00 for a one-month extension of time. No other fees or extensions of time are believed to be due in connection with this amendment;

however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'J.D. Harty', is written over the printed name and firm information.

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